

103^D CONGRESS
1ST SESSION

H. R. 2127

To amend title IV of the Social Security Act to establish a new comprehensive child welfare services program under part E, to make other amendments to the programs under parts B and E, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 1993

Mr. WELDON (for himself and Mr. ANDREWS of New Jersey) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title IV of the Social Security Act to establish a new comprehensive child welfare services program under part E, to make other amendments to the programs under parts B and E, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Comprehensive Child
5 Welfare Services Reform Act of 1993”.

1 **SEC. 2. ESTABLISHMENT OF COMPREHENSIVE CHILD WEL-**
2 **FARE SERVICES PROGRAM.**

3 (a) IN GENERAL.—Title IV of the Social Security Act
4 (42 U.S.C. 601 et seq.) is amended—

5 (1) in part F, by redesignating sections 481
6 through 487 (42 U.S.C. 681–687) as sections 491
7 through 497, respectively;

8 (2) by striking the heading for part E and in-
9 serting the following:

10 **“PART E—FOSTER CARE, ADOPTION ASSISTANCE,**
11 **AND COMPREHENSIVE CHILD WELFARE**
12 **SERVICES.**

13 **“Subpart 1—Foster Care and Adoption Assistance”;**

14 (3) in section 474(a) (42 U.S.C. 674(a)), by
15 striking paragraph (3), and redesignating paragraph
16 (4) as paragraph (3); and

17 (4) by adding at the end of part E the follow-
18 ing:

19 **“Subpart 2—Comprehensive Child Welfare Services**

20 **“SEC. 480. PURPOSE; APPROPRIATION.**

21 “For the purposes of assisting each State to meet the
22 needs of children (including children ineligible for assist-
23 ance under the programs under subpart 1) for comprehen-
24 sive child welfare services, and enabling each State to ad-
25 minister its programs under subpart 1, there are author-
26 ized to be appropriated—

- 1 “(1) \$1,328,000,000 for fiscal year 1994;
2 “(2) \$1,449,000,000 for fiscal year 1995;
3 “(3) \$1,585,000,000 for fiscal year 1996;
4 “(4) \$1,734,000,000 for fiscal year 1997; and
5 “(5) \$1,892,000,000 for fiscal year 1998.

6 **“SEC. 481. RESERVATION OF FUNDS FOR SECRETARY; AL-**
7 **LOTMENTS TO STATES; REALLOTMENTS.**

8 “(a) RESERVATION OF FUNDS.—1 percent of the
9 amount appropriated pursuant to section 480 for each fis-
10 cal year shall be reserved to the Secretary for expenditure
11 in accordance with section 484.

12 “(b) ALLOTMENTS.—The allotment for each State
13 for each of fiscal years 1994 through 1998 shall be an
14 amount which bears the same ratio to 99 percent of the
15 amount authorized to be appropriated under section 480
16 for the fiscal year as the total payment to which the State
17 is entitled under section 474(a)(3) for fiscal year 1992
18 bears to the total amount to which all States are entitled
19 under such section for the fiscal year (as determined on
20 the basis of claims submitted by the State and received
21 by the Secretary on or before March 31, 1993, and found
22 by the Secretary to be allowable on or before July 31,
23 1993).

24 “(c) REALLOTMENT.—The amount of any allotment
25 to a State under subsection (b) for any fiscal year which

1 the State certifies to the Secretary will not be used by
2 the State to carry out the State plan under section 482
3 shall be available for reallocation from time to time, on
4 such dates as the Secretary may fix, to other States which
5 the Secretary determines will be able to use such excess
6 amounts during such fiscal year, in addition to amounts
7 already allotted or reallocated to such other States, under
8 the State plans under such section. The amount reallocated
9 to each State eligible for reallocated funds shall bear the
10 same ratio to the amount available for reallocation as the
11 State's allotment under subsection (b) bears to the total
12 amount allotted to all States so eligible.

13 **"SEC. 482. STATE PLAN FOR COMPREHENSIVE CHILD WEL-**
14 **FARE SERVICES.**

15 "In order to be eligible for payments under this sub-
16 part for a fiscal year, a State shall publish in the State
17 and furnish to the Secretary a plan of the State for ex-
18 penditure of funds under this subpart. The plan shall pro-
19 vide that—

20 "(1) expenditures will be made under the plan
21 only for—

22 "(A) provision of child welfare services (as
23 defined in section 425) in accordance with sec-
24 tion 422(b), other than foster care maintenance
25 payments and adoption assistance payments,

1 but including nonrecurring adoption expenses
2 (as defined in section 473(a)(6)); and

3 “(B) administration of the programs of the
4 State under subpart 1 (including training of
5 current or prospective State or local agency per-
6 sonnel, and of foster care and adoptive parents,
7 related to administration of such program); and

8 “(2) the State share of expenditures under this
9 subpart shall be an amount not less than the
10 amount of the State share of expenditures for which
11 payment was made under section 474(a)(3) for fiscal
12 year 1993.

13 **“SEC. 483. PAYMENTS TO STATES.**

14 “Each State shall be entitled to a payment for each
15 fiscal year in an amount equal to the lesser of—

16 “(1) the allotment of the State under this sub-
17 part for the fiscal year; or

18 “(2) 75 percent of amounts (other than
19 amounts for which the State receives payment under
20 part B) expended in the fiscal year in accordance
21 with the State plan under section 482.

22 **“SEC. 484. SECRETARY’S DISCRETIONARY ACTIVITIES.**

23 “The Secretary shall use the amounts reserved under
24 section 481(a) to provide, through grants to or contracts
25 with public or private entities, for—

1 “(1) technical assistance and training for State
2 and local public and private agencies to enable them
3 to improve their administration of the program
4 under subpart 1, including—

5 “(A) States or cities with large numbers of
6 children at risk of foster care placement, or
7 with substantial deficiencies in program oper-
8 ation; and

9 “(B) State agencies in greatest need of as-
10 sistance in meeting the requirements of section
11 479 or other Federal data collection require-
12 ments;

13 “(2) evaluation of State programs under this
14 part and part B; and

15 “(3) demonstrations designed to—

16 “(A) develop or identify more effective pro-
17 grams to support and strengthen families;

18 “(B) improve child protective, foster care,
19 and adoption assistance services; and

20 “(C) reduce burdens on caseworkers.”.

21 (b) COORDINATION WITH OTHER PROGRAMS PRO-
22 VIDING SERVICES TO CHILDREN AND FAMILIES.—Section
23 422(b)(2) of such Act (42 U.S.C. 622(b)(2)) is amended
24 by striking “under part E” and inserting “under subpart

1 1, and the State plan published under subpart 2, of part
2 E”.

3 (c) ELIMINATION OF CONDITIONAL PART E OF
4 TITLE IV CEILING AND AUTHORITY TO TRANSFER
5 FUNDS TO PART B OF TITLE IV.—Section 474 of such
6 Act (42 U.S.C. 674) is amended—

7 (1) by striking subsections (b) and (c), and re-
8 designating subsection (d) as subsection (b); and

9 (2) in subsection (b), as so redesignated—

10 (A) by striking “subsections (a), (b), and
11 (c)” and inserting “subsection (a)”;

12 (B) by striking “such estimates” and in-
13 serting “such estimate”; and

14 (C) by striking “such subsections” and in-
15 serting “such subsection”.

16 (d) CONFORMING AMENDMENTS.—(1) Part E of title
17 IV of such Act (42 U.S.C. 470–479) is amended by strik-
18 ing “this part” each place such term appears and inserting
19 “this subpart”.

20 (2) Section 403(a)(3)(D) of such Act (42 U.S.C.
21 603(a)(3)(D)) is amended by striking “486(a)” and in-
22 serting “496(a)”.

23 (3) Section 403(l)(1)(A) of such Act (42 U.S.C.
24 603(l)(1)(A)) is amended—

1 (A) by striking “482(a)” and inserting
2 “492(a)”; and

3 (B) by striking “482(i)(2)” and inserting
4 “492(i)(2)”.

5 (4) Section 403(l)(4)(A)(i) of such Act (42 U.S.C.
6 603(l)(4)(A)(i)) is amended by striking “482(d)(1)” and
7 inserting “492(d)(1)”.

8 (5) Section 403(l)(4)(A)(ii) of such Act (42 U.S.C.
9 603(l)(4)(A)(ii)) by striking “482” and inserting “492”.

10 (6) Section 473(a)(6) of such Act (42 U.S.C.
11 673(a)(6)) is amended—

12 (A) by striking “(6)(A)” and inserting “(6)”;
13 and

14 (B) by striking subparagraph (B).

15 (7) Section 477(e)(3) of such Act (42 U.S.C.
16 677(e)(3)) is amended by striking “(a)(1), (a)(2), and
17 (a)(3)” and inserting “(a)(1) and (a)(2)”.

18 (8) Section 492(e)(2)(B) of such Act, as so redesign-
19 nated by subsection (a) of this section, is amended by
20 striking “484” and inserting “494”.

21 (9) Section 492(f) of such Act, as so redesignated by
22 subsection (a) of this section, is amended by striking “sec-
23 tion 482(a)(1)” and inserting “subsection (a)(1)”.

1 (10) Section 493(a)(1) of such Act, as so redesign-
2 nated by subsection (a) of this section, is amended by
3 striking “482(a)(1)” and inserting “492(a)(1)”.

4 (11) Section 494(c) of such Act, as so redesignated
5 by subsection (a) of this section, is amended by striking
6 “482(e)” and inserting “492(e)”.

7 (12) Section 494(d)(2) of such Act, as so redesign-
8 nated by subsection (a) of this section, is amended by
9 striking “482(f)” and inserting “492(f)”.

10 (13) Section 495(c) of such Act, as so redesignated
11 by subsection (a) of this section, is amended by striking
12 “482(a)(1)” and inserting “492(a)(1)”.

13 (14) Section 497(a)(1) of such Act, as so redesign-
14 nated by subsection (a) of this section, is amended by
15 striking “486” and inserting “496”.

16 (15) Section 1902(a)(10)(A)(i)(I) of such Act (42
17 U.S.C. 1396a(a)(10)(A)(i)(I)) is amended by striking
18 “482(e)(6)” and inserting “492(e)(6)”.

19 (16) Section 1928(a)(1)(D) of such Act (42 U.S.C.
20 1396s(a)(1)(D)) is amended by striking “482(e)(6)” and
21 inserting “492(e)(6)”.

22 (17) Any other reference in law or regulation, as of
23 the effective date of this Act, to section 481, 482, 483,
24 484, 485, 486, or 487 of the Social Security Act shall be

1 considered to be a reference to section 491, 492, 493, 494,
2 495, 496, or 497 of such Act, respectively.

3 **SEC. 3. SECTION 1115 DEMONSTRATION WAIVERS.**

4 Section 1115(a) of the Social Security Act (42 U.S.C.
5 1315(a)) is amended—

6 (1) in the matter preceding paragraph (1), by
7 striking “part A or D” and inserting “part A, B, D,
8 or E”;

9 (2) in paragraph (1), by striking “454,” and in-
10 serting “422, 454, 471, 472, 473,”; and

11 (3) in paragraph (2), by striking “455,” and in-
12 serting “423, 455, 474,”.

13 **SEC. 4. RECOVERY OF TRAINING COSTS.**

14 (a) UNDER PART E OF TITLE IV.—Section 471(a)
15 of the Social Security Act (42 U.S.C. 671(a)) is amend-
16 ed—

17 (1) by striking “and” at the end of paragraph
18 (16);

19 (2) by striking the period at the end of para-
20 graph (17) and inserting “; and”; and

21 (3) by adding at the end the following:

22 “(18) provide that the State agency—

23 “(A) will require each individual who re-
24 ceives, at an institution of higher education,
25 education or training in child welfare or a relat-

1 ed field supported by funds from the State
2 agency under this part or part B to enter into
3 a written agreement either—

4 “(i) to work, after the completion of
5 such education or training, for the State
6 agency or another public child welfare
7 agency, or for a private child welfare agen-
8 cy operating under a contract with a public
9 child welfare agency, for a period not less
10 in duration than the period of such edu-
11 cation or training; or

12 “(ii) to repay to the State agency the
13 full amount expended by it for such edu-
14 cation or training for the individual;

15 “(B) will enforce compliance with such
16 agreements; and

17 “(C) will repay to the Secretary the Fed-
18 eral share of amounts recovered in accordance
19 with this requirement, to the extent that such
20 amounts exceed amounts necessary to reim-
21 burse the State agency for costs reasonably in-
22 curred to obtain recovery.”.

23 (b) UNDER SECTION 426.—Section 426 of such Act
24 (42 U.S.C. 626) is amended—

1 (1) in subsection (a)(1)(C), by inserting “sub-
2 ject to subsection (d),” after “(c)”; and

3 (2) by adding at the end the following:

4 “(d) As a condition of eligibility for grants under sub-
5 section (a)(1)(C), a public or other nonprofit institution
6 of higher learning shall undertake—

7 “(1) to require each individual who receives
8 education or training in child welfare or a related
9 field supported by a stipend or other financial assist-
10 ance under this section to enter into a written agree-
11 ment either—

12 “(A) to work, after the completion of such
13 education or training, for a public child welfare
14 agency, or for a private child welfare agency op-
15 erating under a contract with a public child
16 welfare agency, for a period not less in duration
17 than the period of such education or training,
18 or

19 “(B) to repay to the institution the full
20 amount of such stipend or other assistance;

21 “(2) to enforce compliance with such agree-
22 ments; and

23 “(3) to repay to the Secretary amounts recov-
24 ered in accordance with this requirement, to the ex-
25 tent that such amounts exceed amounts necessary to

1 reimburse the institution for costs reasonably in-
2 curred to obtain recovery.”.

3 **SEC. 5. EXTENSION OF THE INDEPENDENT LIVING PRO-**
4 **GRAM.**

5 Section 477 of the Social Security Act (42 U.S.C.
6 677) is amended—

7 (1) in subsection (a)(1), by striking the last
8 sentence;

9 (2) in subsection (c), by striking “In the case
10 of” and all that follows through “1992, such” and
11 inserting “Such”;

12 (3) in subsection (e)(1)(A), by striking “of the
13 fiscal years 1987 through 1992” and inserting “fis-
14 cal year”;

15 (4) in subsection (e)(1)(B), by striking “fiscal
16 years 1991 and 1992” and inserting “each fiscal
17 year”;

18 (5) by amending subsection (e)(1)(C) to read as
19 follows:

20 “(C) As used in this section:

21 “(i) The term ‘basic ceiling’ means
22 \$45,000,000.

23 “(ii) The term ‘additional ceiling’
24 means \$25,000,000.”;

1 (6) in subsection (f), by striking the last sen-
2 tence; and

3 (7) in subsection (g)—

4 (A) by striking “(g)(1)” and inserting
5 “(g)”; and

6 (B) by striking paragraphs (2) and (3).

7 **SEC. 6. ACCUMULATION OF ASSETS BY OLDER CHILDREN**
8 **RECEIVING FOSTER CARE MAINTENANCE**
9 **PAYMENTS.**

10 Section 472 of the Social Security Act (42 U.S.C.
11 672) is amended by adding at the end the following:

12 “(i) In determining the eligibility of an individual who
13 has attained age 16 for foster care maintenance payments
14 under this subpart, the State agency shall disregard from
15 the resources of the individual an amount of funds not
16 exceeding an amount the agency determines to be reason-
17 able for the purpose of achieving self-sufficiency.”.

18 **SEC. 7. REPEAL OF ANNUAL REPORT ON VOLUNTARY**
19 **PLACEMENT.**

20 Section 102(e) of the Adoption Assistance and Child
21 Welfare Act of 1980 (Public Law 96–272; 42 U.S.C. 672
22 note) is repealed.

1 **SEC. 8. EFFECTIVE DATE.**

2 The amendments made by this Act shall become ef-
3 fective with respect to fiscal years beginning on or after
4 October 1, 1993.

○